

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|--------------------------------|---|-----------------|
| SHARON CLINKENBEARD |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| v. |) | CASE NO. 96-230 |
| |) | |
| NICHOLAS COUNTY WATER DISTRICT |) | |
| |) | |
| DEFENDANT |) | |

O R D E R

On May 21, 1996, Sharon Clinkenbeard filed a complaint against Nicholas County Water District ("Nicholas Water"). Nicholas Water had threatened to terminate Ms. Clinkenbeard's water service if she did not remove a structure which she had constructed over its water main. Nicholas Water was directed by Order of the Commission to satisfy or answer the complaint. Its answer was filed on June 20, 1996.

Due to negotiations between the parties, this proceeding was held in abeyance off and on for over a year. A formal hearing was scheduled several times during this period, only to be postponed or rescheduled each time. On June 11, 1997, the parties filed an Agreed Order of Continuance, which the Commission treated as a joint motion for a continuance. According to the parties, they had reached an agreement in this matter. As a result, they asked that the hearing scheduled for June 20, 1997, be continued for at least 120 days. While the Commission issued an Order June 19, 1997, which cancelled the hearing, it also directed the parties to file a written settlement

agreement within 30 days, or Ms. Clinkenbeard could, if she chose, withdraw her complaint. If neither action was taken within 30 days, according to the Commission's Order, the hearing would be rescheduled and the case would proceed accordingly.


While nothing was filed by either party after June 11, 1997, after a review of the case file it appeared to the Commission that Ms. Clinkenbeard was not interested in pursuing a Commission resolution of this matter. Ms. Clinkenbeard was given the opportunity to advise the Commission in writing whether Nicholas Water had satisfied her complaint or whether she wished to continue this matter. On September 29, 1997, the Commission received a letter from Ms. Clinkenbeard's attorney stating that Nicholas Water had satisfied the complaint and asking that the complaint be dismissed.


IT IS THEREFORE ORDERED that this complaint is dismissed.

Done at Frankfort, Kentucky, this 16th day of October, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director